

## **REMARKS**

### **A. Introduction**

Claims 1, 4, 15-18, 23-31, 33 and 34 were pending and under consideration. Claims 2, 3, 5-14, 19-22, and 32 were previously cancelled.

In the Office Action of July 7, 2009 ("the Office Action"), claims 1, 4, 15-18, 23-31, 33 and 34 were rejected as containing new matter and obvious.

Without conceding to the merits of the rejections, claims have been amended to clarify an aspect of the present general inventive concept and claims 11 and 12 are new. No new matter has been introduced.

In view of the following remarks, reconsideration and allowance of all the pending claims are requested.

### **B. Rejection under 35 USC §112**

Claims 1, 4, 15-18, 23-31, 33 and 34 were rejected under 35 USC 112 as failing to comply with the written description requirement.

The Examiner argues, "[t]he specification does not appear to disclose a sintered mesophase carbon material in combination with the claimed anode active material," i.e., an anode active material comprising Li and a tin or silicon. See the Office Action, page 5.

However, the Specification discloses (1) a mesophase carbon that is sintered; and (2) combining lithium with a semiconductor of preferably silicon or tin. See Specification, paras. 0028, 0040, 0065, and 0030, and Fig. 2.

Accordingly, reconsideration and withdrawal of these rejections are requested.

### **C. Rejection under 35 USC §103**

Claims 1, 4, 15-18, 23-28, 30, 31, 33 and 34 were rejected under 35 U.S.C. §103(a) as being unpatentable over JP10-312789 to Inamasu ("Inamasu"). Applicant traverses this rejection for at least the following reasons.

Independent claims 1 and 4 presently require a mesophase carbon material that is sintered after being molded into a body of the non-aqueous electrolyte secondary cell. As

provided by the Specification, a binderless anode molded on the battery advantageously provides an increased anode active material filling density such that the anode has a large reaction area, thereby improving cell energy density and charge/discharge efficiency. See Spec. paras. 0033-0034.

Inamasu is limited to an anode with a binder and describes various binders for use with the anode. See Inamasu, paras. 0013-0014. Consequently, Inamasu fails to disclose or fairly suggest a binderless anode having a carbon that is sintered after being molded into a body of the non-aqueous electrolyte secondary cell, as required by independent claims 1 and 4, and is, therefore, unable to provide the aforementioned benefits of the present general inventive concept.

Accordingly, independent claims 1 and 4 are patentable over Inamasu and withdrawal of these rejections and allowance of these claims are earnestly solicited. Likewise, claims depending from independent claims 1 or 4 include all of the limitations of these independent claims and are allowable over the art of record for at least the same reasons discussed above with respect to these independent claims.

**D. Conclusion**

It is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, there being no other objections or rejections, this application is in condition for allowance. Notice to that effect is requested.

If any further fees are required in connection with the filing of this amendment, please charge the same to our Deposit Account No. 19-3140.

Respectfully submitted,  
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